IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CHAMBER SUMMONS NO.238 OF 2007
IN
WRIT PETITION NO.1897 OF 2005

Public concern for Governance Trust ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

....

Mr. V.B. Naik for the Applicant in Chamber Summons.

Mr. C.U. Singh, Senior Advocate i/b Sanjay Udeshi & Co. for the Petitioner.

Mr. K.K. Singhvi, Senior Advocate for the BMC.

Ms. K.N. Rajwani i/b Vigil Juris for Respondent No.4.

Mr. Pravin Vaity i/b M/s. Utangale & Co. for Respondent No.6.

Mr. Berjis Golabwala i/b M/s. Madik & Co. for Respondent No.9.

....

CORAM: **SWATANTER KUMAR, C.J. &**
DR. D.Y. CHANDRACHUD, J.

26th July, 2007.

P.C. :

Learned counsel appearing for the Original Petitioner submits that he has no objection if the prayer contained in the application is allowed, subject to the condition that an undertaking be furnished by Respondent No.8 that Respondent No.8 would not use any part of the land belonging to the Royal Western India Turf

Club either for carrying out any construction activity or for any use or development whatsoever. Counsel for Respondent No.8 is agreeable on instructions to furnish that undertaking. Accordingly the Chamber Summons is made absolute; and the name of Respondent No.8 is ordered to be deleted subject to the furnishing of an undertaking in the aforesaid terms within two weeks.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.